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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,145	01/28/2004	Eun Hye Choi	248156US2RD	9722

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EXAMINER	
LE, MIRANDA	

ART UNIT	PAPER NUMBER
2167	

NOTIFICATION DATE	DELIVERY MODE
09/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/765,145	Applicant(s) CHOI ET AL.	
	Examiner Miranda Le	Art Unit 2167	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *None*.
   Claim(s) objected to: *None*.
   Claim(s) rejected: *1-20*.
   Claim(s) withdrawn from consideration: *None*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Miranda Le
August 29, 2007

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments do not overcome the final rejection.
Applicant's arguments have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicants' arguments but firmly believes that the cited reference reasonably and properly meet the claimed limitation. Applicants are reminded that the Examiner is entitle to give the broadest reasonable interpretation to the language of the claimed as explained below.

In response to applicant's argument that "the present invention is concerned with providing a procedure that permits processing a plurality of transactions in parallel, not with the Iline restricted access model data structure that facilitates protection of data, while allowing access to that data when needed. These two approaches are different and they are directed to different levels of database technology", it is noted that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, line cannot be distinguished from the claimed invention in terms of structure as Iline teaches all the claimed elements as discussed in the previous rejection, plus as for the following reasons:

Firstly, Iline teaches "writing access as to each transaction is then made as to in respective copy, while avoiding a collision with accesses as to other transactions" in paragraph [0011]; notably, "collision" means when two or more items should be kept in the same location; therefore, the claimed limitation "avoiding a collision" can be equivalent with "preventing the second writer node from writing data to a first data store, and preventing the first writer node from writing data to a second data store", See [0011], as the purpose of this step is to prevent collisions when a plurality of transaction are processed in parallel.
It is noted that "preventing ...from writing..." of Iline in case of parallel transactions can be applied to "The bookstore operations node (32) has two child nodes that represent child operations: bookstore location 1 transactions (34) and bookstore location 2 transactions (36), which represent book purchase transactions at two different bookstore locations", See [0003]. Thus it is evident that "preventing...from writing" reads on "avoiding a collision" of the claimed limitation as the preventing step is to protect data associated with one transaction against collision from parallel transactions and to further enhance the ability to prevent corrupt stored data, [0053]).

Secondly, Iline teaches "collisions between accesses made by different reader-writer pairs could possible occur" as each node of Iline is a reader-writer pair (i.e. writer node, reader node), see [0012]. The step of reading and writing of data of Illine's is to avoid collision from parallel transaction, which would result in corrupting stored data (See [0053]). Hence, contrary to Applicant's arguments, this step equates to avoiding a collision of the claim limitation. Even though Iline does not explicitly spell out the word "collision", one skill in the art would comprehend the step of "preventing the second writer node from writing data to a first data store, and preventing the first writer node from writing data to a second data store", See [0011], is to protect data against collision of parallel transaction.

Thirdly, Iline teaches "judging whether any collision occurs" equates to the step of TestResultWriter as taught by Iline in Code Listing A (See [0044]). One skill in the art would understand the value of TestResultWriter reads on judging whether any collision occurs limitation.

Fourthly, Iline teaches "carrying out a processing for avoiding the collision" as "a particular operation included as part of the test may require testing response times for user interactions", see [0046], (i.e. A first data is written to a first data store by the first writer node (Step 166). For example, if the test being conducted is a performance test of a software program, a particular operation included as part of the test may require testing response times for user interactions. Data results (i.e., response times) may be written to a data store as part of the particular operation. Functionality for writing data to the data store via writer nodes is provided, in part, by the following exemplary segments of source code: 3 public void add (TestDataElement element) { reader.addElement (element); . . . public interface TestResultWriter { public void add(TestDataElement element); . . . , ([0046]).

From the reasons set forth above, it is obvious that Iline does teach the procedure fro processing a plurality of the transactions that includes the improvement that avoids collision. Although applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art, it cannot be the basis for patentability when the differences would otherwise be obvious.

Furthermore, In response to Applicant's argument that "if transactions are performed in parallel, an appropriate scheduling or schema necessary for allowing parallel transactions must be introduced which is not disclosed by Iline. In this regard, the present invention is different from Iline", the examiner respectfully submits it is noted that the features upon which applicant relies (i.e., if transactions are performed in parallel, an appropriate scheduling or schema necessary for allowing parallel transactions must be introduced) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It would not be proper for the examiner to give words of the claim special meaning when no such special meaning has been defined by the Applicant in the claim language.

Accordingly, the claimed invention as represented in the claims does not represent a patentable over the art of record.